

(Draft – Awaiting Formal Approval)

**MINUTES OF THE
SUBCOMMITTEE ON OVERSIGHT**

Tuesday, May 7, 2013 – 2:00 p.m. – Room 450 State Capitol

Members Present:

Speaker Rebecca D. Lockhart, Chair
President Wayne L. Niederhauser, Vice Chair
Sen. Gene Davis
Sen. Karen Mayne
Sen. Ralph Okerlund
Rep. Tim M. Cosgrove
Rep. Brad L. Dee
Rep. Jennifer M. Seelig

Staff Present:

Mr. Bryant R. Howe, Assistant Director
Mr. Eric N. Weeks, Deputy General Counsel
Ms. Phalin L. Flowers, Administrative Assistant

Note: A list of other present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Subcommittee Business

Chair Lockhart called the meeting to order at 2:13 p.m.

MOTION: Vice Chair Niederhauser moved to approve the minutes of the October 16, 2012 meeting. The motion passed unanimously with Sen. Davis absent for the vote.

2. Annual Performance Review

Mr. Michael Christensen, Director, Office of Legislative Research and General, distributed and discussed “Bill Requests and Bills Passed.” He gave an overview of the office’s committee work load for 2012 and 2013 and highlighted several publications the office completed in 2012, including several briefing papers, an update to the Utah Data Book, and new demographic profiles for each legislative district. Mr. Christensen also gave an overview of the office’s work load during the 2013 General Session, including bill requests, substitutes, and priority bills.

Rep. Seelig asked Mr. Christensen how the office compares with similar legislative staff offices in other states in terms of efficiency and effectiveness. She also asked if the office has a morale and retention plan. Mr. Christensen replied that while his office has never conducted a comparison with other legislative staff offices, he would investigate the feasibility of undertaking this study. He also explained that the office’s teleworking and part time schedules, annual performance reviews, and opportunities for staff to attend training seminars and conferences help with morale and retention issues.

Sen. Mayne expressed her thanks to all legislative staff for their hard work.

Rep. Cosgrove commented about the advancement of technology and asked if legislative staff is able to keep pace with technological changes. Mr. Christensen responded that the office strives to quickly and accurately respond to legislator's requests and is prepared to keep pace with changes to technology.

Sen. Okerlund asked if there is an explanation for the increase in late bill requests. Mr. Christensen replied that one reason might be the later convening date for the general session (changing from the third to the fourth Monday in January). Another reason might be the legislative rule change that allows legislators to designate bill requests as priority requests much later than before.

Vice Chair Niederhauser commented that the Legislature should slow down its processes so that fewer bills are drafted and that many introduced bills never receive serious consideration. He noted that the current drafting demand is excessive and wondered how the Legislature could better prioritize bills to help alleviate pressure on staff.

Rep. Dee noted that many bill requests could be combined into single bills and that if legislators would work with their own colleagues, there would be less demand on staff as well.

Sen. Davis commented that the rules committees could be asked to consider changes to legislative rules that could improve the efficiency of bill draft without limiting a legislator's prerogatives. He noted that the handout shows a high number of time-consuming substitutes. Chair Lockhart stated that the Legislative Process Committee will meet this interim and could review the changes that Sen. Davis has suggested, along with other changes to the legislature's processes.

Mr. John Fellows, General Counsel, Office of Legislative Research and General Counsel, highlighted legislative attorneys' work on several court cases that were decided favorably for the Legislature, including the S.B. 2 litigation, the legislative ethics initiative, and the Utah Democratic Party's GRAMA lawsuit. He distributed and discussed "OLRGC Attorney Workload Statistics 2003-2013."

Vice Chair Niederhauser asked if technology improvements have allowed staff to draft more bills and substitutes. Mr. Fellows responded that they have.

Rep. Seelig asked if there are statutory or administrative role structures that affect the office's ability to maintain its nonpartisan role. Mr. Fellows responded that the infrastructure of the Legislature is generally fine and that he always seeks ways to improve efficiency. He said the office is conducting an internal review of constitutional notes, based on feedback he received during the last session.

Mr. Jonathan Ball, Legislative Fiscal Analyst, Office of the Legislative Fiscal Analyst, distributed and discussed "LFA Performance Review." He discussed the goals and objectives of his office and reviewed how his office responds to negative feedback from each chamber and party. Mr. Ball also reviewed the accuracy of his office's fiscal notes, revenue forecasts, and appropriation bills, and the timeliness of fiscal notes. He noted some of the accomplishments of his office last year and discussed goals for the coming year.

Rep. Cosgrove noted his appreciation for the nonpartisan efforts of each staff office.

Mr. John Schaff, Legislative Auditor General, Office of the Legislative Auditor General, spoke to the subcommittee about his office's three objectives: accountability, improving programs, and reducing costs. He noted that his office completes an average of 20 audits each year, and completed 21 audits during 2012, and 9 audits during the 2013 General Session, including audits on UTOPIA, radiation control, the Department of Alcoholic Beverage Control, and the Department of Occupational and Professional Licensure. Mr. Schaff said his office received an award in 2012 from the National Conference of State Legislatures on its methodology for an audit of the Public Employee's Health Plan. He said that the decisions of the Audit Subcommittee ensure that his office operates in a professional and independent manner.

Sen. Okerlund complimented Mr. Schaff on the presentations that his office has given to the Senate Majority caucus.

MOTION: Vice Chair Niederhauser moved to approve a one percent increase in salary for the Director of the Office of Legislative Research and General Counsel, the Legislative Fiscal Analyst, and the Legislative Auditor General, effective June 22, 2013.

Rep. Cosgrove asked why the Legislative General Counsel's salary had not been set by the subcommittee in past meetings. Staff provided assistance and Vice Chair Niederhauser read the statute that governs the subcommittee's duties.

SUBSTITUTE MOTION: Rep. Cosgrove moved to approve a one percent increase in salary for the Director of the Office of Legislative Research and General Counsel, the Legislative Fiscal Analyst, the Legislative Auditor General, and the Legislative General Counsel to be effective June 22, 2013. The motion passed unanimously with Rep. Dee absent for the vote.

3. Other Business

No other business was discussed.

4. Adjourn

MOTION: Vice Chair Niederhauser moved to adjourn the meeting. The motion passed unanimously.

Chair Lockhart adjourned the meeting at 4:00 p.m.